

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin/Magistrate Judge
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

**DEFENDANTS' MOTION TO EXTEND TIME TO FILE
MOTION FOR SUMMARY JUDGMENT**

AND NOW come the Defendants, James Washburn and Patrick Durkin, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and move this Honorable Court to extend the time for defendants to file their Motion for Summary Judgment until July 13, 2006.

As grounds for this Motion, these Defendants state that Plaintiff was deposed on June 19, 2006. In order to prepare the motion and brief the defendant needs the transcript of the deposition.

Counsel for these Defendants has been told that the transcript will be available during the week of June 26, 2006.

Counsel for these Defendants will be on vacation during that week and respectfully requests this Court to extend time for preparation of this motion to accommodate this previously scheduled vacation.

WHEREFORE, the Defendants James Washburn and Patrick Durkin respectfully request this Honorable Court enter an Order extending the time for the submission of the Motion of these Defendants for Summary Judgment to July 13, 2006.

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants, City of Erie
and James Washburn and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANTS' MOTION TO EXTEND TIME TO FILE MOTION FOR SUMMARY JUDGMENT has been served by First Class Mail, postage pre-paid, upon the following parties on this 21st day of June, 2006.

Warren Durham, Jr.
12119 Matherson Avenue
Cleveland, OH 44135
(Pro Se Plaintiff)

A. Taylor Williams, Esquire
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102
(Counsel for Defendant, Judge Fred P. Anthony)

Kemal Alexander Mericli
Office of the Attorney General
Civil Litigation Section
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219
(Counsel for Defendant, Bruce Tackett)

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants, City of
Erie, Officers James Washburn
and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184